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Report of the Security Council mission to Afghanistan, 21 to 28 November 2008

I. Summary

1. In a letter dated 21 July 2008, the President of the Security Council informed the Secretary-General of the Council's intention to send a mission to Afghanistan in November 2008. The terms of reference were subsequently approved on 31 October 2008 and distributed to Members of the Security Council (see annex I to the present report). The mission was led by Giulio Terzi di Sant'Agata (Italy). The other members of the mission were Olivier Belle (Belgium), Paul Robert Tiendrébéogo (Burkina Faso), Liu Zhenmin (China), Saúl Weisleder (Costa Rica), Toma Galli (Croatia), Jean-Pierre Lacroix (France), R.M. Marty M. Natalegawa (Indonesia), Ahmed Gebreel (Libyan Arab Jamahiriya), Alfredo Suescum (Panama), Konstantin Dolgov (Russian Federation), Dumisani Kumalo (South Africa), John Sawers (United Kingdom of Great Britain and Northern Ireland), Zalmay Khalilzad (United States of America) and Bui The Giang (Viet Nam).

2. The mission left New York in two groups on 21 and 22 November and returned on 28 November. The mission met with the President of Afghanistan, Hâmid Karzai, and a number of his ministers; the Speakers of the upper and lower houses of parliament, Sibghatullah Mojadeddi and Younus Qanooni, respectively; the chairmen of parliamentary commissions and other members of parliament; the Afghan Independent Human Rights Commission and the Independent Election Commission; the Secretary-General of the North Atlantic Treaty Organization (NATO) and its Senior Civilian Representative in Kabul and representatives of the International Security Assistance Force (ISAF); members of the diplomatic community, including the European Union troika and the head of the European Union police mission; civil society organizations; national and international non-governmental organizations; and senior staff of the United Nations Assistance Mission in Afghanistan (UNAMA) and the United Nations country team. The mission also visited Herat, where it met with officials of the UNAMA regional office, the provincial Governor and other Afghan officials, and the provincial reconstruction team (see annex II for schedule of meetings). This was the Security Council's third visit to Afghanistan since 2002, missions having previously visited in November 2003 and November 2006.

3. The mission was grateful for the frankness of all of its interlocutors. It was also grateful for the close coordination between the Secretariat and UNAMA in

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preparation for the visit, the flawless organization by UNAMA and the highly professional logistical and security support provided by ISAF. The mission also expresses its gratitude to the United Nations Department of Safety and Security, as well as the Government of Afghanistan, for their effective efforts to safeguard the mission while it was in Afghanistan.

II. Key issues

Overall security situation

4. The Security Council has repeatedly expressed its serious concern about the security situation in Afghanistan, in particular the increase in violent and terrorist activities by the Taliban, Al-Qaida and other extremist groups. The mission noted three prominent features of the security situation described by the United Nations Department of Safety and Security. The first is the enduring split between northern and southern Afghanistan in terms of volatility and risk. The Department assessed the western, northern, north-eastern and central highlands regions as calm (with the western region showing some signs of deterioration), while describing the southern, south-eastern and eastern regions as volatile. The central region, where Kabul is located, was described as unstable. Both the Department of Safety and Security and ISAF described the situation as one of increasing instability in some pockets in the northern part of the country where Pashtuns predominate, as well as of deteriorating security in the provinces of Logar and Wardak, adjacent to Kabul.

5. The second feature is the striking year-on-year increase in the numbers of security incidents since 2003. The Department of Safety and Security counts as incidents armed clashes, abductions, improvised explosive devices and suicide attacks. In 2003, it counted 508 incidents, compared with 6,792 as at the end of October 2008. The monthly figures for security incidents since 2005, when the Department considers the insurgency to have begun, were 428 for 2006, 573 for 2007 and 740 for the first 10 months of 2008. The Department estimates that, contrary to the situation in previous years, when a decrease in the number of incidents per month was observed in the fourth quarter as a result of weather conditions, the tempo of the increase will not diminish noticeably during the winter, owing to an influx of foreign fighters, the ongoing voter registration process, which provides a vulnerable and attractive target of opportunity for anti-Government elements, and the fact that all parties intend to sustain their activities during the winter.

6. The third feature of interest is the increase in the number of incidents targeting the greater humanitarian and development community. These take the form of attacks on convoys and aid facilities, as well as the intimidation, abduction and killing of aid workers. The Department of Safety and Security considers that, increasingly, the United Nations is a target.

7. In the effort to understand what has driven the increase in violence over the past several years, four main factors were repeatedly identified by various interlocutors. The factors were (a) the influx of militants recruited from outside Afghanistan (UNAMA estimated that 20 per cent of insurgents were from outside the country, while the Minister for Foreign Affairs, Dâdfar Spantâ, estimated that the actual percentage was higher; (b) insufficient — albeit improving — integration and coordination of military, political, governance and development efforts, all of

which are necessary for stability; (c) lack of widespread reconstruction and employment opportunities, combined with a large number of unemployed young men; and (d) frustration with the tactics of the international forces, including civilian casualties caused by combat operations of international forces. The Minister for Foreign Affairs told the mission that it was important to understand that the insurgency was not a homogenous movement. There were certainly political motivations rooted in the fundamentalist attitudes of the Taliban, but the latter had been joined by a conglomeration of dissatisfied tribal groups, as well as criminal and drug gangs.

8. Representatives from ISAF concurred with the United Nations analysis of worsening trends in terms of the number of incidents, the sophistication of insurgent tactics and the increase in the number of civilians killed. On the other hand, ISAF stated that, despite public perceptions, security in Kabul was actually improving, and that the main problem was criminality, rather than insurgency. Another positive development was the increased capacity of the Afghan National Army, with ISAF-only operations now being an exception.

9. The Government of Afghanistan (in particular the President and the Minister for Foreign Affairs), UNAMA and ISAF all stressed the great improvement in relations between Afghanistan and Pakistan following the election of the President of Pakistan, Asif Ali Zardari, earlier in 2008. The improved relationship was centred on a realization that the two Governments face a common threat.

International Security Assistance Force, the Afghan National Army and civil-military coordination

10. The Secretary-General of NATO recalled that ISAF operated under a Security Council mandate. He emphasized the central role of the United Nations in operationalizing the comprehensive approach to stabilization. The need to improve coordination between civilian and military operations in Afghanistan was raised by both the Special Representative of the Secretary-General for Afghanistan, Kai Eide, and NATO representatives. The Special Representative insisted that the lack of capacity on the part of the international community or the Afghan National Security Forces to "hold" areas that were "cleared" made it difficult to expect non-governmental organizations or the United Nations to provide assistance in the aftermath of counter-insurgency operations. The briefing by ISAF supported that analysis, noting that, for the first time, its ongoing Operation Tolo, focusing on 16 districts, was designed to hold areas after they had been cleared. Success would depend on the deployment of further international forces. ISAF said that it was fully aware of its mandate to support UNAMA and consulted closely with it. Another area of progress mentioned both by the Special Representative and NATO was the adoption of civil-military guidelines for the provision of humanitarian assistance by ISAF.

11. The Special Representative of the Secretary-General agreed that civil-military coordination had improved, but noted that the military often underestimated the in-depth understanding that UNAMA had of Afghan society, which was largely a result of the presence of Afghan staff in the mission. That understanding was, however, undermined by the frequent rotation of ISAF staff and troops. The intelligence gathered by international military forces needed to be complemented by a knowledge of Afghan society, which was particularly important in understanding

the frustrations that the Afghan people experienced as a result of international military tactics, exacerbated by the lack of access to international military forces to address their concerns.

12. The ongoing occurrence of civilian casualties caused by international military forces has become a major political issue in Afghanistan. President Karzai stressed that the problem involved not only civilian casualties, but a set of aggravating tactics, such as house searches and the arrest of Afghans. He reiterated his overall appreciation for the role of the international forces in fighting terrorism and the insurgency. At the same time, he cautioned that, while there was "immense legitimacy in the minds of the Afghan people [for] the presence of the international community in Afghanistan", it may not last forever. Among the changes required were the building of the army and the police and an end to aerial bombardments and the forced entry into Afghan homes.

13. ISAF was clearly focused on the question of civilian casualties and had issued two new tactical directives to reduce the probability of civilian casualties. It stressed, however, that the insurgency was responsible for the vast majority of civilian casualties in Afghanistan, in particular through suicide bombings and improvised explosive devices (almost 3,000 of such devices had been planted by the insurgency, half of which had been discovered and dismantled by ISAF). Improvised explosive devices and other terrorist attacks by the insurgents had killed 925 civilians to date in 2008, compared with 87 deaths caused by combat operations between ISAF and anti-Government elements and 131 by combat operations between Operation Enduring Freedom and terrorist forces. ISAF expressed frustration that those facts were scarcely reported in the international press and that the Government of Afghanistan frequently condemned civilian casualties caused accidentally during counter-terrorism operations but ignored the vast majority caused deliberately by the insurgency, which systematically targets civilians as part of its strategy.

14. A positive development was the increased capacity of the Afghan National Army. ISAF representatives reported that ISAF-only operations were now an exception; the vast majority of operations were joint operations and many were Afghan-led. Other interlocutors informed the mission that up to 60 per cent of operations were Afghan-led. The strength of the army lay in its extremely capable soldiers; its weakness lay in its institutional capacity, an area where ISAF believed it could make a larger contribution. The army's current strength is approximately 80,000. The Joint Coordination and Monitoring Board in October 2008 approved an increased strength of 134,000, to be achieved by 2012. President Karzai urged that that timetable for expansion be moved forward to 2010.

15. The provincial reconstruction teams were a key vehicle for civil-military coordination. During its visit to Herat, the mission noted that the activities of the teams had been well received by provincial leaders there. The Governor and members of the Provincial Council underlined the importance of the quick-impact assistance projects implemented by the Herat provincial reconstruction team. At the same time, some concerns were expressed about the overall quantity of international assistance. The mission was not able to gain a comprehensive view of the provincial reconstruction teams, owing to the fact that each differs according to its national sponsor and its location within Afghanistan. Nonetheless, a general concern was

voiced by Afghan civil society and international non-governmental organizations that the teams were contributing to the "securitization of development".

Governance

16. Although, as described to the mission, the overriding objective of the insurgency is to undermine the Government's capacity and legitimacy, it is also evident that improved governance is indispensable to achieving stability in Afghanistan.

17. The mission identified several factors that were impeding good governance. President Karzai emphasized the lack of administrative capacity resulting from decades of war, as well as the lack of a tradition of government authority.

18. It was apparent to the mission, that the most immediate impediment to governance, raised by both governmental and non-governmental interlocutors, was governmental corruption at both the national and subnational levels. The Governor of Herat informed the mission that he had implemented a merit-based system to select government officials. Nonetheless, civil society actors there complained that patronage still affected most appointments.

19. Yasin Osmani, Director of the High Office for Oversight, which was established three months ago with a mandate to address the issue of corruption, briefed the mission on the activities of his Office. He asserted that prosecutorial investigation was a function of the Office of the Attorney General and that the High Office would not create constitutional confusion in that regard. The Office would, however, monitor the implementation of anti-corruption plans in each ministry, as well as receive complaints about corruption from the population at large and manage the processing of such complaints. President Karzai assured the mission of his determination to attack corruption, pointing to the recent dismissal of Cabinet ministers for corruption, as well as to the prosecution of public officials.

20. A second major problem was the lack of effective governance at the local level. The mission was informed that there were significant gaps between the central Government and the provincial Governors, particularly regarding the delivery of funding. Subnational administrative structures were underresourced and lacked the capacity to effectively administer justice, provide security and deliver services. That governance gap had created a vacuum that had been filled by ad hoc structures, such as the provincial reconstruction teams, to provide services. President Karzai emphasized the long-term dangers posed by such "parallel structures".

21. The Government's response to the weakness of local-level administration has been led by the Independent Directorate of Local Governance, created in August 2007. The head of the Directorate, Jilani Popal, informed the mission of two main initiatives created to address that fundamental issue. The first was the reform of the policy development process, which will give significantly more responsibility to subnational governmental units in the development of policies and the implementation of programmes. The second and more immediate initiative was the Afghan Social Outreach Programme, which will, through the creation of district shuras, empower local communities to engage with development-related issues, build social capital, channel the grievances of the people and assume greater responsibility for local-level security, as exemplified by the Focused District Development programme (see para. 24 below). He stressed that that did not mean

arming local militias to provide community-level security. The launch of the programme in four or five provinces in the southern part of the country is imminent.

Afghan National Police

22. According to most of the mission's interlocutors, the Afghan National Police is seen as a major element to be reformed within the overall security and rule-of-law structure. A number of interlocutors stated that the police force continues to be affected by corruption, poor training and lack of equipment, although much more attention has been paid recently by the international community to training and equipping the police, as well as improving the management of the payroll. The police have paid a high price for their perceived weakness, as they have become frequent targets of the insurgency. According to the Minister of the Interior, 920 members of the Afghan National Police had been killed in 2008.

23. President Karzai informed the mission that he had appointed a new Minister of the Interior in order to bring about needed reform of the Afghan National Police. According to the new Minister, Hanif Atmar, community leadership and intelligence-led policing was central to the reform programme. The Minister identified four specific ways in which the international community could assist with police reform: (a) increasing the number of mentors and trainers; (b) providing force protection, through provincial reconstruction teams, for international trainers as they deploy outside Kabul; (c) funding of the police through the Law and Order Trust Fund for Afghanistan; and (d) acting with greater speed with regard to those issues. Mr. Atmar said that the Government fully understood that it needed to send a signal to change public perception of the police force and improve its accountability. He stressed in particular his expectation of an increased contribution by the European Union police mission.

24. The mission also met with the head of the European Union police mission, among other key representatives of the European Union. He confirmed that the Government was very much engaged in police reform and aware of the need to generate visible changes. The police mission was committed to reaching its full complement of 269 police trainers and 121 civilian experts (the current deployment level is 121 trainers and 56 civilians). In the meantime, it was working with the Minister of the Interior to "Afghanize" training. The project was coordinated with the Focused District Development project, which was implemented by the Combined Security Transition Command-Afghanistan, and was reforming district-level policing by removing district police units, training the police outside their district and providing them with mentors when they returned.

National reconciliation

25. The perceived inability of Afghan and international forces to defeat the insurgency has led to calls for talks with insurgent groups. President Karzai outlined his vision of a national reconciliation process, while noting that he understood some concerns voiced by international partners. Given the inability to conclusively defeat the insurgency over the past seven years, the President suggested that the international community provide a tentative timeline to finally bring about stability and end violence in Afghanistan. If such a horizon could not be foreseen, then the people would be encouraged to seek stabilization through further reconciliation efforts. He reiterated his readiness to engage in talks with those who are ready to

renounce violence and accept the Afghan Constitution. The Special Representative of the Secretary-General reiterated his view that the reconciliation process needed to be led by Afghans, be based on the Constitution and be conducted from a position of strength. ISAF concurred with the Special Representative that it was important to conduct reconciliation activities from a position of strength.

26. Some members of the Afghan human rights community, while agreeing about the importance of reconciliation at the grass-roots level, warned that many Afghans feared that political reconciliation efforts were a "mask" for an alliance between the Government and the more fundamentalist forces in Afghanistan. They feared that such an alliance could undermine the gains in human rights achieved since 2002.

Elections

27. The upcoming elections, scheduled for 2009, were absorbing significant political energy in Afghanistan; their exact date has become an issue of contention. In April 2008, the Independent Election Commission had announced the consensus decision, reached following consultations with the President, the Speakers of the upper and lower houses of parliament and other key Afghan stakeholders, to hold presidential and provincial council elections in the fall of 2009 and National Assembly and district council elections in the late summer/fall of 2010. The Speaker of the Wolesi Jirga (lower house), Younus Qanooni, was of the view that the Constitution specified that the election had to be held within two months prior to the constitutional expiration of the President's term of office, on 21 May. Others noted ambiguities in the Constitution. President Karzai told the mission that he had always been against extending his term beyond its legal limit, but noted that his term, specified in the Constitution as five years, had begun in November 2004, not May 2004, owing to delays in the first post-conflict election. He said that he would accept any date set by the Commission, which was the only body legally competent to take the decision.

28. The mission registered more practical concerns about the difficulty of holding elections in the spring. The Special Representative of the Secretary-General, for example, said that the ongoing registration process, while proceeding well, would not take place in the more insecure areas until early 2009. It was therefore not certain that the revised voter register would be ready in time for a spring election. Two other factors made an early election unrealistic: the need to improve security in the southern part of the country, which in part depended on the deployment of additional international forces, and the need to secure international donor funding for the election.

29. Azizullah Lodin, Chairman of the Independent Election Commission, and some members of his staff, including Daoud Najafi, the Chief Electoral Officer and head of the Commission secretariat, informed the mission that a May election would disenfranchise those voters who lived in areas that were inaccessible due to poor weather conditions. The Commission also cited article 55 of the Electoral Law, which authorizes the Commission to delay or postpone elections if there are prevailing factors that might call into question their legitimacy. He said that he was involved in ongoing consultations with the President, the National Assembly and other political leaders with a view to finding a solution. He said that the Commission would make a decision in the coming week or so, taking into account

both the provisions of the Afghan Constitution and the requirement to ensure free and fair elections throughout the country.

Regional cooperation

30. The improvement in the relationship of Afghanistan with its neighbours, especially Pakistan, as already noted, was among the positive developments noted during the mission. President Karzai underlined that he had taken great efforts to ensure that neighbouring countries did not see the presence of international troops in Afghanistan as a threat to them. He stressed, as did the Minister for Foreign Affairs, the constructive relationship with the Islamic Republic of Iran, as well as with India and Pakistan. He also stressed that those relations were part of a regional approach and that they were centred on Afghanistan as an economic bridge, not a political rival to any country in the region. The mission was informed of initiatives fostering regional cooperation, such as the International Conference on Return and Reintegration, held in Kabul on 19 November under the co-chairmanship of the Minister for Foreign Affairs of Afghanistan and the United Nations High Commissioner for Refugees.

Aid coordination, effectiveness and economic development

31. The mission was informed that perceived inefficiencies in the delivery of international assistance had undermined the confidence of the Afghan population in its Government and in the international community. The Declaration of the Paris Conference of 12 June 2008 included a number of provisions to reduce those inefficiencies.

32. The Special Representative of the Secretary-General informed the mission of efforts that he had made to increase the coordination capacity of UNAMA, including the appointment of a special adviser on aid effectiveness. Those efforts remained limited by the lack of a comprehensive picture of the aid being provided to Afghanistan, as well as by the continued unwillingness of some donors to fully back the existing coordination mechanisms, especially the Joint Coordination and Monitoring Board. The Government of Afghanistan had taken a number of steps to enhance its participation in the Board, but they had not always been reciprocated by Board members. The Special Representative was also concerned about the concentration of aid in conflict areas, which was to the detriment of more stable regions where the returns on aid could be much higher. President Karzai strongly supported the Special Representative coordination mandate and pledged that his Government would provide anything that the Special Representative sought.

33. The Special Representative said that progress in implementing the Afghanistan National Development Strategy was accelerating, but that the costing of projects under the Strategy took time, especially given the weak bureaucracy of the Afghan Government. The Minister of Finance, Anwar Ul-Haq Ahady, noted the ongoing reluctance of donors to work through Afghan institutions, which was essential if the Strategy was to be effective.

34. The United Nations country team highlighted its efforts to address development challenges in light of the priorities identified at Paris. One of those priorities was agriculture. According to the representative of the Food and Agriculture Organization of the United Nations (FAO), Afghanistan had the land, soil and water resources to greatly improve its agricultural output. With a restoration

and expansion of the irrigation network and increased provision of improved seeds, food yields in Afghanistan could rise by a third to 3.5 tons per hectare quite rapidly, and eventually to as much as 8 tons.

35. Referring to the responsibility of Afghanistan for its own development, the Minister of Finance said that Government revenues had risen from 3.2 per cent of Gross Domestic Product a few years ago to 7 per cent currently, and that the goal was to increase that figure to 10 per cent over the next few years, amounting to $900 million. In 2002, total Government revenues were $113 million. Tariffs were responsible for 42 per cent of all revenues, but a number of tax reforms were expected to reduce the Government's reliance on customs taxes. The export sector was still relatively small, accounting for about $500 million to $600 million, mostly in carpets and fruit. A major problem was that the country lacked the capacity to add value to its exports — for example, it lacked industrial machinery to dry fruit for export, which would allow it to be sent to more distant markets where it would fetch higher prices. Foreign exchange reserves were approximately $3.4 billion, compared with $180 million in 2002.

Humanitarian situation

36. UNAMA described a deteriorating humanitarian situation in Afghanistan, resulting from a combination of natural disasters, lack of Government capacity to prepare and respond, and insecurity. Almost 40 per cent of Afghanistan is either permanently or temporarily inaccessible to governmental and non-governmental aid. The Office for the Coordination of Humanitarian Affairs will, in 2009, assume responsibility for humanitarian coordination, and is establishing offices in five field locations, in addition to the head office in Kabul.

37. The humanitarian situation has been aggravated by the deficit in food production in 2008. The percentage of the population unable to meet its minimum food requirements has risen by 5 per cent since 2005, to 35 per cent. As reported by the representative of FAO, some 40,000 Afghans die every year as a result of hunger and poverty, 25 times more than die as a result of violence. Since September 2007, wheat prices have jumped by 150 per cent. That increase, combined with a 20 to 30 per cent drop in agricultural production due to drought, has led the World Food Programme (WFP) to assess 8.8 million Afghans as being vulnerable to food shortages. WFP plans to bring 300,000 tons of food to Afghanistan in 2009. President Karzai, the Special Representative of the Secretary-General, and civil society representatives referred to the importance of funding the recent food appeal for Afghanistan, which had a subscription rate of less than 50 per cent.

38. In a briefing by the Agency Coordinating Body for Afghan Relief, the mission was informed of the concerns of non-governmental organizations regarding humanitarian access, particularly given the risks for workers (30 have been killed in 2008 to date, of whom 25 were Afghan). The Agency Coordinating Body welcomed the opening of an office of the Office for the Coordination of Humanitarian Affairs in Afghanistan, but noted that resources had not followed the call for greater United Nations coordination. Afghan non-governmental organizations indicated that more attention should be dedicated by international non-governmental organizations to building the capacities of their local partners.

Counter-narcotics

39. One of the positive trends of which the mission was informed was a 19 per cent reduction in the area of poppy cultivated, a 6 per cent reduction in the opium yield and an increase to 18 in the number of poppy-free provinces. At the same time, the continued cultivation and production of narcotic drugs in Afghanistan remained the subject of serious concern. The Minister of Counter-Narcotics, Khodaidad Khodaidad, said that the approach to counter-narcotics had grown more sophisticated and that he expected a reduction of 20 to 30 per cent in the area cultivated in 2009. Efforts to prevent poppy planting had been conducted earlier and had been more successful; cooperation with neighbours, in terms of both conducting border checks and sharing intelligence, had improved. Further efforts needed to be made, however, to attack the centres of refining and trafficking, as well as the movement of precursors into Afghanistan from abroad. The mission was particularly interested to learn about the expanded role of ISAF in combating illegal narcotics, including by the targeting of narcotics markets and refining sites. The mission was informed by ISAF that, as a follow-up to the summit held in Bucharest in 2008, ministers of defence of the countries members of NATO had decided that contributing countries could attack, at their discretion and upon request by the Afghan authorities, illegal narcotics activities, as long as there was a clear link between those activities and the insurgency.

Human rights and the rule of law

40. The mission was given a mixed picture of the human rights situation in Afghanistan and informed that a number of improvements made since 2002 were under threat. Some non-governmental organizations suggested that Afghan politicians were resorting to measures that they considered to be popular but that violated human rights. Overall, members of the Afghan human rights community expressed the view that there was a narrowing of political space in the run-up to the elections and that gains in freedom of expression, in particular, were under threat.

41. The threat to freedom of expression was particularly worrying given the upcoming elections. According to human rights defenders, threats came not only from the Government, which was able to put pressure on State media employees and arrest journalists, but also from the private sector. It was also underlined that international military forces did not allow reporters to travel to conflict areas. The fundamental problem was that the Government did not respect its own media law and the international community remained insufficiently concerned about defending freedom of expression.

42. Another area of concern were the rights of women. On the one hand, the Marriage Registration Act, which had been in force since March of 2008, should help to prevent forced marriages, multiple marriages and the use of marriage as a means of resolving disputes between communities. On the other hand, women remained extremely vulnerable and were disproportionately affected by economic and humanitarian crises. While there had been some improvements in maternal health, the life expectancy of women was only 43 years. The role of women in political life had actually worsened since 2004, when there had been at least four female Cabinet ministers. Women who did accept public positions were intimidated and some had been killed. The mission was also informed of the need to intensify

efforts to implement Security Council resolution 1325 (2000), on women and peace and security.

43. A major human rights issue was the question of impunity and transitional justice. In 2005, the Government had approved an action plan for transitional justice. Implementation of the plan had been overshadowed, however, by the debate in parliament over the amnesty law, whose status remained unclear.

44. Similarly, respect for human rights fundamentally depended on an effective judiciary and a legal framework. The judiciary in Afghanistan was not trusted, in large part because it was perceived to be corrupt or inefficient. According to the Afghan Independent Human Rights Commission, recent surveys suggested that only 25 per cent of Afghans trusted their judiciary. In response, President Karzai noted that there had never been a fully trusted judiciary in Afghanistan, and establishing one would take several decades. In the meantime, people would inevitably use traditional mechanisms, which were both faster and more recognizable to them.

III. Observations

Overall situation

45. The mission noted important elements of progress, which give rise to a sense of cautious optimism for the future: first, the marked improvement in the relations with Pakistan; secondly, the recent Cabinet appointments, which are expected to bring about increased energy and efficiency on the part of the Government, for example, in the fight against corruption; thirdly, the significant reduction in the area of opium cultivation (19 per cent), as reported by the United Nations Office on Drugs and Crime; fourthly, the commitment to improve subnational governance, including through the launch of the Afghanistan Social Outreach Programme, which aims to bridge the gap between Government authorities and local communities; and fifthly, the registration of nearly 2 million Afghans without major security incident in the first two phases of the voter registration project. Those gains must be built upon, especially in the coming year.

Security situation

46. Afghanistan is faced with an increasingly complex security situation, but not, as yet, a security crisis. The mission considered it to be important to differentiate the politically driven insurgency from criminality, which is partly responsible for the insecurity, while noting that both problems must be addressed and that it is not easy to draw a clear line between those two elements in the case of Afghanistan. The mission also noted that the insurgency is reportedly concentrated in specific regions and that it does not offer any alternative model of government, even though it gives the impression that it is omnipresent. In addressing those problems, it is important to avoid any inclination towards disillusion, frustration, or, even worse, mutual recrimination between Afghanistan and its friends. Afghans and the international community must redouble their joint efforts in a spirit of partnership. The empowerment of the Afghan security forces is essential if sustainable progress is to be ensured, and the international community is committed to responding to Afghan requests to accelerate progress in that regard. Civil-military coordination is gradually improving and should be sustained further.

Governance and the fight against corruption

47. There is a clear understanding of the need to make robust progress in uprooting corruption and improving governance at all levels, as recognized by many Afghan interlocutors. The enhancement of the Afghan judiciary is a crucial component of that process. There is also a strong expectation of greater transparency and improved coordination of efforts on the part of the international community, in accordance with the Paris Declaration. It was stressed that every party to the Paris Conference should do its utmost to implement the commitments made there as expeditiously as possible. The mission noted and appreciated the Government's strong support for the coordination role of the Special Representative of the Secretary-General, Kai Eide, as well as the enhanced capacity of UNAMA to carry it out.

Elections

48. The mission was presented with a wide range of opinions on the constitutional debate over when elections were required in 2009. It was also informed of the significant financial, security and logistical challenges, which will also have an effect on when elections can be held. The overall success of the two first phases of voter registration is a positive sign, but it will be important to monitor closely voter registration as it moves into more insecure areas in the final phases. The mission considers that free and fair elections are necessary if the legitimacy of the Afghan authorities is to be renewed and the greater confidence of the people gained. The Independent Election Commission appeared fully committed to achieving that goal. President Karzai stressed the importance of elections taking place in all parts of the country.

National reconciliation

49. The mission noted the calls among Afghan political leaders and civil society representatives for dialogue with those elements in opposition to the Government who were ready to renounce violence and accept the Afghan Constitution. The mission recalled that the Security Council had encouraged the implementation of Afghan-led reconciliation programmes within the framework of the Afghan Constitution and with full respect for the implementation of measures introduced by the Council in its resolution 1267 (1999) and other relevant resolutions of the Council. A number of interlocutors, including the Minister for Foreign Affairs of Afghanistan, reaffirmed that any dialogue with anti-Government elements must be conducted by the Afghan authorities from a position of strength, and that the renunciation of violence and respect for the Afghan Constitution must constitute the red lines of any negotiation. Negotiations were a complement to the fight against terrorism, not an alternative, and their endorsement by the international community would be sought at some point. The process must lead to democratization. While, as noted, many Afghans called for discussions to end the violence, none of the mission's interlocutors said that they wanted to see the return to power of the Taliban.

Civilian casualties

50. The Security Council has repeatedly expressed its concern for all civilian casualties in Afghanistan. According to the most recent data shared with the mission

by ISAF, the large majority of such casualties are caused by the insurgents, who often deliberately target civilians as part of their strategy. The mission was informed of the closer attention that ISAF pays to avoiding civilian casualties, recent steps taken to reduce casualties and provide redress when they do occur and efforts to harmonize statistical data with those of the United Nations.

Regional cooperation

51. The significant improvement in the relationships of Afghanistan with its neighbours was welcomed by the mission. The Security Council has consistently supported a regional approach to bringing about security that is also supportive of regional economic development. The mission also welcomed cooperation between the Government of Afghanistan and its neighbours on specific issues that promote improved border control, such as counter-narcotics and the return of refugees. Afghan interlocutors welcomed planned initiatives to foster regional cooperation, such as those being organized by France and by the incoming Italian presidency of the Group of Eight.

Food security

52. The mission was informed of unprecedented measures being adopted to ensure food security during the winter season. It noted concerns that funding was not in place to provide food aid after March. The mission encourages donors to channel their contributions through the Government of Afghanistan or WFP.

Civil society and human rights

53. The mission considered its meetings with representatives of civil society to be extremely beneficial. Adequate time should be allocated for such meetings in future missions. The mission was extensively briefed on the overall progress made on human rights since 2001, as well as concerns about reversing trends with respect to human rights in some areas, in particular freedom of expression, intimidation of human rights defenders and impunity. The mission encouraged the Afghan authorities to reinvigorate their efforts to uphold human rights, in particular those of women and children, and fight against impunity. It reiterated its full support for the courageous activities of the Afghan Independent Human Rights Commission and urged the Government to fully fund the budget of the Commission.

United Nations role

54. The mission welcomed the strong support from international actors for the coordination role of UNAMA. The mission also noted full support for that role from the Afghan authorities. President Karzai expressed complete satisfaction with the cooperation with the Special Representative of the Secretary-General. The mission urged the States Members of the United Nations to provide UNAMA with the necessary financial and human resources so that it could live up to its mandate.

Annex I

Terms of reference of the Security Council mission to Afghanistan

1. To reaffirm the Security Council's continued support for the Government and people of Afghanistan as they rebuild their country, strengthen the foundations of sustainable peace and constitutional democracy and assume their rightful place in the community of nations;

2. To review the progress made by the Afghan Government, with the assistance of the international community and in accordance with the Afghanistan Compact, in addressing the interconnected challenges in the areas of security, governance, rule of law and human rights, economic and social development, as well as on the cross-cutting issue of counter-narcotics;

3. To assess the status of implementation of relevant Security Council resolutions, in particular resolutions 1806 (2008) and 1833 (2008), as well as of mutual pledges and commitments made by the participants to the International Conference in Support of Afghanistan, held in Paris on 12 June 2008;

4. To underline, in this context, the central and impartial role that the United Nations continues to play in promoting peace and stability in Afghanistan by leading the civilian efforts of the international community and to express strong support for the ongoing efforts of the Secretary-General, his Special Representative for Afghanistan and the women and men of the United Nations Assistance Mission in Afghanistan (UNAMA);

5. To review the implementation of the enhanced coordinating role assigned to UNAMA and the Special Representative of the Secretary-General by Security Council resolution 1806 (2008), taking into account the need for an integrated approach and the principle of reinforcing Afghan ownership and leadership;

6. To review efforts by the Afghan Authorities, with the assistance of the international community, to address the threat to the security and stability of Afghanistan posed by the Taliban, Al-Qaida, illegal armed groups, criminals and those involved in the narcotics trade and in the diversion of chemical precursors;

7. To review the humanitarian situation in the country, including the food security situation, and the implications for security and stability;

8. To assess the cooperation, coordination and mutual support between UNAMA and the International Security Assistance Force, including on humanitarian and human rights issues and in supporting the electoral process, taking due account of their respective designated responsibilities;

9. To reaffirm the crucial importance of advancing regional cooperation as an effective means to promote governance, security and development in Afghanistan.

Annex II

Schedule of meetings of the Security Council mission to Afghanistan

Monday, 24 November

0830	Arrival in Kabul from Islamabad
1400-1430	Mission organization meeting
1430-1700	Meeting with the Special Representative of the Secretary-General, Kai Eide, and situational security briefing
1730-1830	Meeting with the Minister for Foreign Affairs, Dâdfar Spantâ
1830-2030	Dinner hosted by the Minister for Foreign Affairs

Tuesday, 25 November

0800-0900	Meeting with Afghan Independent Human Rights Commission
0930-1030	Meeting with the Deputy Commander and staff of International Security Assistance Force (ISAF)
1100-1230	Meeting with President Hâmid Karzai
1430-1630	Meeting with key Government officials[a]
1630-1730	Meeting with the Chairman and staff of the Independent Election Commission
1830-2030	Reception hosted by the Special Representative of the Secretary-General

Wednesday, 26 November

0730-0900	Travel from Kabul to Herat
0930-1030	Meeting with staff of the United Nations Assistance Mission in Afghanistan and United Nations agencies
1050-1145	Meeting with the Governor of Herat and other provincial officials
1200-1330	Lunch hosted by the Governor
1420-1450	Meeting with ISAF Regional Command/West and provincial reconstruction team (Italy)
1500-1630	Travel from Herat to Kabul

[a] The following ministers or high-level officials attended: Hedayat Amin Arsala (co-Chair of the Joint Coordination and Monitoring Board), Omar Zakhilwal (Minister of Transport), Jilani Popal (Director of Independent Directorate of Local Governance), Hanif Atmar (Minister of the Interior), Anwar Ul-Haq Ahady (Minister of Finance), Khodaidad Khodaidad (Minister of Counter-Narcotics), Jalil Shams (Minister of the Economy), Mohammad Ehsan Zia (Minister of Rural Rehabilitation and Development), Yasin Osmani (Head, High Office for Oversight), Mohammad Amin Farhang (Minister of Commerce and Industry), Amrullah Saleh (National Directorate for Security) and Asif Rahimi (Minister of Agriculture).

1830-1930	Meeting with European Union troika (Ambassadors of France and the Czech Republic, European Union Special Representative and the head of the European Commission delegation in Kabul) and the Commander of the European Union police mission
2000-2200	Dinner hosted by the Ambassador of Italy

Thursday, 27 November

0745-0840	Meeting with the United Nations country team
0900-1000	Meeting with the Secretary-General of NATO, Jaap de Hoop Scheffer
1000-1200	Meeting with representatives of Afghan civil society
1200-1300	Meeting with the Speaker of the Meshrano Jirga, Sibghatullah Mojadeddi
1315-1430	Official lunch hosted by the Speaker of the Wolesi Jirga, Younus Qanooni, with members of parliament
1500-1545	Press conference
1700	Departure for Islamabad